### ORDINANCE NO. 2000 - 053

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ELEMENT (TO REVISE DENSITY PROVISIONS, INTENSITY PROVISIONS, AND TO CORRECT ERRORS); INTRODUCTION AND ADMINISTRATION ELEMENT (TO DELETE REDUNDANT TEXT AND TO ADD A DEFINITION FOR CONTIGUOUS LOTS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; FOR PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 9 and 16, 2000 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 12, 2000 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 4, 2000 the Department of Community Affairs "Objections, Recommendations, and

Comments Report," dated September 29, 2000 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on December 6, 2000 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

## Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

- A. Future Land Use Element, to revise Density Provisions;
- B. Future Land Use Element, to revise Commercial Intensity;
- C. Introduction and Administration Element, to delete redundant text and to add a definition for contiguous lots;
- D. And amending all elements as necessary for internal consistency.

### Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

## Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

### Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

## Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100.

22	ATTEST:	PALM BEACH COUNTY, FLORIDA,
23	DOROTHY H. WILKEN, Clerk	BY ITS BOARD OF COUNTY COMMISSIONERS
COUNTY LORIDA		By W. Janua Chair OFFICIENCY
29	Filed with the Department of Sta	te on the 12+b day

Filed with the Department of State on the <a href="https://linear.com/linear.

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### **EXHIBIT 1**

#### Future Land Use Element, Density Provisions A.

**REVISIONS:** To revise language related to density provisions. The revisions are numbered below, and shown with the added text underlined, and the deleted text struck out.

# Objective 2.1, Balanced Growth

#### 1. TABLE 2.1-1 **RESIDENTIAL CATEGORIES & ALLOWED DENSITIES**

Category	Dwelling Units Per Gross Acres				
	PDD Max Maximum	Maximum Standard <sup>1</sup>	Minimum	Entitlement <sup>2</sup>	
Agricultural Production		0.10 DU/AC			
(unaltered text omitted for brevity)				***	
High Residential 18 <sup>3</sup> 5 to 18 du per 1 acre	18.0 DU/AC	8.0 DU/AC	5.0 DU/AC	0.4 DU/AC	

This chart applies to the residential component for the following PDD types: Traditional Neighborhood Development (TND), Traditional Town Development (TTD), Traditional Market Place Development, Planned Residential Development, Mixed-use Development, and Planned Industrial Development.

- 1. The Standard density is the highest density permitted in each future land use category, unless the parcel is developed as a Planned Development District or is granted an exemption pursuant to this Element.
- 2. The Entitlement density is as shown, or 1 unit per lot, whichever is greater.
  3. High Residential 12 is the maximum density allowed by the Comprehensive Plan except for those areas that had a future land use designation of High Residential 18 prior to adoption of the 1989 Comprehensive Plan or for development that qualifies for a density bonus provided for in Land Use FLUE Policy 21.2-d.

### Implementation Section, Density

- 2. DELETED Special Provisions. The County shall recognize existing development approvals which have received vested status for both density (if applicable) and concurrency, as determined by the criteria and standards set forth in the Element. Additionally, if permitted by an Overlay, special density provisions may be applied.
- 3. REVISED Density Calculations. The number of units permitted by the Plan for any parcel of land can be obtained by multiplying the gross acreage of the parcel by the density permitted by the residential category, as indicated in Table 2.1-1. The maximum number of units permitted shall always be rounded down to the nearest dwelling unit. The minimum number of units permitted may be rounded down to the nearest dwelling unit.
- NEW Minimum Density Exemptions: Densities less than the Minimum Density indicated in Table 2.1-1 may be granted as follows:
  - Parcels may be granted a density exemption pursuant to FLUE Policy 1.2-b;
  - 2. Parcels within the Glades Tier may be granted a density exemption pursuant to FLUE Policy 1.6-c.
- 5. REVISED Exceptions to the Minimum Density Exemption - Vested Projects Requirements. The Development Review Committee (DRC) may approve density below the minimum density requirement, regardless of the number of units approved by the Board of County Commissioners, provided a valid local development order was approved prior to the adoption of the 1989 Comprehensive Plan, development of the Planned Development has commenced, and:

- 1. Units were transferred to the remaining unbuilt pod(s) in the development, thereby inflating the density in these pod(s) to a density that is out of character with the constructed portions of the Planned Development; or
- 2. The remaining unbuilt pod(s) shall be built at a density greater than, or equal to, the density of the approved and/or built pod(s) within the Planned Development to ensure conformity within the development; or
- 3. The Planning Division approved, prior to an approval by the Development Review Committee, the proposed decrease in density based on compatibility with adjacent future land uses, and efficient use of infrastructure.
- 6. DELETED Maximum Density. As an incentive for a Planned Development District, the maximum density may be obtained if the minimum area of the development ranges from 10 to 30 acres in size, depending on the future land use category and corresponding zoning district, and the future land use category allows densities of two dwelling units per acre or greater. The maximum density incentive provisions shall not apply to the Rural Residential designations, to the Low Residential 1 designation or to mobile home parks.
- 7. NEW <u>Standard and Maximum Density Exemptions -- Urban/Suburban Tier: Densities</u> greater than those indicated in Table 2.1-1 may be granted as follows:
  - 1. Parcels may achieve up to the Maximum Density pursuant to FLUE Policy 1.2.2-a (for infill), or FLUE Policy 1.2-q (for mobile home parks);
  - Parcels may be granted density above the Standard and/or Maximum Density pursuant to the Transfer of Development Rights Program, Voluntary Density Bonus Program, and/or a Special Overlay outlined in this Element;
- 8. REVISED Exception to the Maximum Density Requirements in the Exemptions -Exurban and Rural Tiers. Until such time as a recorded or unrecorded subdivision, or an area contained within or subject to the control of a Special District, is determined by the Planning Division to meet the provisions of the 85% rule exemption, the specified area shall comply with the lot combination requirements in Sub-objective 2.2.1. However, in the Exurban and Rural Tiers, there are antiquated subdivisions which are subject to special provisions. Pursuant to FLUE Policy1.3-e and FLUE Policy1.4-e, the following areas meet the provisions of the 85% rule exemption:...... (unaltered text omitted for brevity)
- 9. **REVISED Entitlement density.** Within the time frame provided by 163.3202(1),F.S., Palm Beach County will ensure that development orders for residential, commercial and industrial development will be based on the County's ability to maintain minimum levels of service as provided by the Concurrency Management System Program contained in the Capital Improvement Element.

## Land Development Regulations, Urban/Suburban Tier

11. REVISED Arrangement of Dwelling Units. Except for antiquated subdivisions and rural residential land use categories, Any arrangement of dwelling units on a parcel of land is allowed, as long as the maximum number of dwelling units designated for the parcel is not exceeded, the list of permitted land uses is not violated and the arrangement is allowed by the ULDC.

## B. Future Land Use Element, Commercial Intensity

**REVISIONS:** To revise language related to commercial intensity. The revisions are numbered below, and shown with the added text <u>underlined</u>, and the deleted text <u>struck out</u>.

## Objective 2.1, Balanced Growth

1. TABLE 2.1-2

Maximum Floor Area Ratios (F.A.R.s) For Non-Residential Future Land Use Categories

Future Land	FLU Category	Tier				
Use		Urban/Suburb	Exurban	Rural	Ag Reserve	Glades
Commercial Low	CL-O	.35 <del>.50 non-retail only</del>	.20	.20	not allowed	.20
(Neighborhood Commercial)	CL	.20 w/o PDD .25 w/ PDD 1.43 .50 non-retail only	.10 4	.10 4	.10 .35 w/ CCSO <sup>5</sup>	.10
Commercial High (Community or	CH-O	.35 w/o PDD .5085 w/ PDD <sup>2</sup>	not allowed	not allowed	not allowed	not allowed
Regional Commercial)	СН	.35 w/o PDD-1 .5085 w/ PDD 2 .85-1.0 3	not allowed	not allowed	not allowed	not allowed

### Notes:

- 1. When a subject tract is contiguous on at least two sides to a residential FLU of HR-8 or greater, the maximum allowable FAR threshold is .25. In all other cases, the maximum FAR is .20. For Commercial Low (CL) and Commercial High (CH), the maximum allowable FAR for non-retail projects is .50.
- 2. For Commercial High (CH) and Commercial High Office (CH-O), the maximum allowable FAR is .50 for MUPD planned developments and .85 for MXPD planned developments, as defined in the ULDC.
- 3. Provided development furthers the objectives and policies of the Comprehensive Plan, an exception to the FAR, up to 1.0 may be permitted to allow for: 1) infill development; 2) mixed-use development; 3) Traditional Neighborhood Development (TND); or 4) Traditional Market Place Development (TMD).
- 4. Provided development furthers the objectives and policies of the Comprehensive Plan, an exception to the FAR, up to 1.0 may be permitted to allow for TMDs to allow for 'rural mainstreets'.
- 5. For Commercial Low, the FAR is .10 except for the CCSO which allows an FAR up to .35.
- 6. This maximum FAR is limited to parcels utilizing the Rural Services zoning district (RSER).

## C. Introduction and Administration Element, General Revisions

**REVISIONS:** To revise language to delete redundant text and to add a definition for contiguous lots. The revisions are numbered below, and shown with the added text <u>underlined</u>, and the deleted text <u>struck out</u>.

### Section II. Administration

1. DELETION, Section II.C. Official Plan Map, paragraphs 2 and 3

The Future Land Use Atlas on file at the Department of Planning, Zoning and Building is the Official Land Use Plan Map. The Atlas consists of a series of individual sheets at a scale of 1" = 600' depicting the boundaries of the land use classifications, as well as their respective sub-categories. All disputes regarding land use boundaries will be decided using the Future Land Use Atlas and the Criteria detailed in Figure 1 of the Implementation Section of the Land Use Element. The Land Use Element is the basis for all other Comprehensive Plan elements and reflects the Goals, Objectives and Policies of these other elements. The Future Land Use Atlas is one component of the Comprehensive Plan Map Series.

Within the urban service area, however, this exemption does not permit any single lot, including single lots zoned at densities higher than the land use designation, to develop beyond its designated maximum land use density unless it falls within one of the categories found in the section, "Residential Density, 1. Maximum Density Restrictions", found on page 31-LU. In such cases where the maximum density allowed by the zoning category (as adopted February 1, 1990) is less than the maximum density allowed by the land use designation, then the density is governed by the zoning category.

Until such time as a recorded or unrecorded subdivision, or area contained within or subject to the control of a water control district is determined by the Planning Division to meet the provisions of the 85% rule exemption, the specified area is subject to the aforementioned rules and regulations concerning the combination of contiguous lots to meet the density requirements of the Comprehensive Plan.

### Section III. Definitions

2. ADDITION CONTIGUOUS LOTS (FOR COMMERCIAL CRITERIA) - Lots that share a common border. Lots that touch point-to-point, and lots which are separated by waterways, streets, and/or major easements are not considered contiguous for purposes of applying the Commercial Criteria. Odd configured lots, for the purposes of applying the Commercial Criteria, are considered contiguous if more than one-third (33 percent) of the total length of the sides sharing a common border are immediately adjacent to each other.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I. DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on All March 1990
DATED at West Palm Beach, FL on 1990
DOROTHY H. WILKEN, Clerk
By: 1990
D.C.